

ESTTA Tracking number: **ESTTA722981**

Filing date: **01/27/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Anheuser-Busch, LLC
Granted to Date of previous extension	01/27/2016
Address	One Busch Place St. Louis, MO 63118 UNITED STATES

Attorney information	Andrea Anderson Holland & Hart LLP 1800 Broadway Ste 300 Boulder, CO 80302 UNITED STATES docket@hollandhart.com, aanderson@hollandhart.com, ncdavis@hollandhart.com, mamooore@hollandhart.com, trademarks@anheuser-busch.com Phone:303 473 2700
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Applicant Information

Application No	86626182	Publication date	09/29/2015
Opposition Filing Date	01/27/2016	Opposition Period Ends	01/27/2016
Applicant	Boyle, David Carleton 53 South Main Street Concord, NH 03301 UNITED STATES		

Goods/Services Affected by Opposition

Class 032. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Non-alcoholic beer

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	64125	Application Date	07/03/1905
Registration Date	07/23/1907	Foreign Priority Date	NONE
Word Mark	BUDWEISER		


Design Mark	BUDWEISER
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 1876/01/00 First Use In Commerce: 1876/01/00 BEER

U.S. Registration No.	666367	Application Date	11/18/1957
Registration Date	08/26/1958	Foreign Priority Date	NONE
Word Mark	BUD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1939/06/00 First Use In Commerce: 1939/06/00 BEER		

U.S. Registration No.	1261873	Application Date	09/20/1982
Registration Date	12/20/1983	Foreign Priority Date	NONE
Word Mark	BUD LIGHT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1982/04/01 First Use In Commerce: 1982/04/01 Beer		

U.S. Registration No.	1332479	Application Date	06/21/1982
Registration Date	04/23/1985	Foreign Priority Date	NONE
Word Mark	THIS BUD'S FOR YOU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 1980/03/01 First Use In Commerce: 1980/03/01 Beer		

U.S. Registration No.	3770049	Application Date	03/03/2009
Registration Date	04/06/2010	Foreign Priority Date	NONE
Word Mark	BUD LIGHT LIME		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2008/04/30 First Use In Commerce: 2008/04/30 Beer

Attachments	71009773#TMSN.png(bytes) 77682302#TMSN.png(bytes) Opposition.pdf(14205 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrea Anderson/
Name	Andrea Anderson
Date	01/27/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ANHEUSER-BUSCH, LLC, Opposer, v. DAVID CARLETON BOYLE, Applicant.	Opposition No.: Trademark: BUB Serial No.: 86626182
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NOTICE OF OPPOSITION

Anheuser-Busch, LLC (“Opposer”), a Missouri limited liability company with a principal place of business at One Busch Place, St. Louis, Missouri, 63118, believes that it will be damaged by registration of the mark BUB in connection with “non-alcoholic beer” in International Class 32 as shown in U.S. Trademark Application Serial No. 86626182 (the “Application”) and hereby opposes it.

As grounds for its opposition, Opposer alleges that, upon actual knowledge with respect to itself and its own actions, and upon information and belief as to other matters:

1. Opposer is the leading brewer and marketer of beer in the United States, and Opposer and its predecessors have been brewing and marketing beer for more than a century, and also offer several non-alcoholic beer options.
2. Since well prior to the filing date of the Application and any claimed date of first use upon which Applicant may rely, Opposer has used its BUD and BUD-formative marks in connection with the marketing and sale of beer and a variety of promotional and collateral merchandise.

3. Opposer owns the following United States Trademark Registrations, among many others:

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>	<u>GOODS</u>
BUDWEISER	64,125	July 23, 1907	Beer
BUD	666,367	August 26, 1958	Beer
BUD LIGHT	1,261,873	December 20, 1983	Beer
THIS BUD'S FOR YOU	1,332,479	April 23, 1985	Beer
BUD LIGHT LIME	3,770,049	April 6, 2010	Beer

4. The registrations for each of the marks set forth above are incontestable pursuant to 15 U.S.C. §§ 1065 and 1115(b), and therefore constitute conclusive evidence of the validity of the marks set forth in these registrations, as well as Opposer's exclusive right to use these marks in connection with the goods set forth in these registrations.

5. These registrations also provide constructive notice of Opposer's ownership of its BUD and BUD-formative marks (collectively, the "BUD Marks").

6. Opposer has sold billions of dollars worth of its beer and other goods under the BUD Marks and has spent hundreds of millions of dollars advertising and promoting its beer and other goods under these marks.

7. As a result of Opposer's extensive marketing and promotion, coupled with the overwhelming commercial success of its beer and other goods offered under the BUD Marks, Opposer's BUD Marks became famous and well known well prior to the filing date of the Application and any claimed date of first use upon which Applicant may rely.

COUNT I
Likelihood of Confusion
(15 U.S.C. § 1052(d))

8. Opposer re-alleges and incorporates by reference the preceding allegations.

9. The BUB mark set forth in the Application so closely resembles Opposer's prior used and registered BUD Marks as to be likely, when used in connection with the goods set forth in the Application, to cause confusion, or to cause mistake, or to deceive under Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

COUNT II
Likelihood of Dilution
(15 U.S.C. § 1125(c))

10. Opposer realleges and incorporates by reference the preceding allegations.

11. The BUB mark set forth in the Application so closely resembles Opposer's prior used and registered BUD Marks as to dilute or to be likely to cause dilution of the distinctive quality of the BUD Marks by blurring under section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer believes it will be damaged by registration of the mark shown in the Application and respectfully requests that the opposition be sustained and that registration to Applicant be refused.

The filing fee in the amount of \$300 is being transmitted electronically with this submission. Any deficiency in the fee should be charged to Deposit Account No. 08-2623.

Dated January 27, 2016.

Respectfully submitted,

/s/ Andrea Anderson

Andrea Anderson

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Denver, Colorado 80201

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aanderson@hollandhart.com;

Attorney for Opposer

ANHEUSER-BUSCH, LLC

CERTIFICATE OF SERVICE

I certify that on January 27, 2016, I served a true and correct copy of the above NOTICE OF OPPOSITION to Applicant at the below address by U.S. Mail, postage prepaid:

David Carleton Boyle
53 South Main Street
Concord, New Hampshire 03301-4850

/s/ Joyce Crow
Joyce Crow

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